

In the Matter of:

**Vincent De Giovanni, et al.**

**vs.**

**Jani-King International, Inc., et al.**

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**Vincent De Giovanni  
Vol. I, March 4, 2009  
Confidential Deposition**

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*Doris O. Wong Associates, Inc.  
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Boston, MA 02110  
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Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 1

CONFIDENTIAL - SUBJECT  
TO PROTECTIVE ORDER

Volume I  
Pages 1 to 222  
Exhibits 62 to 81

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

- - - - -x  
:  
VINCENT DE GIOVANNI, MARIETTE :  
BARROS and all others :  
similarly situated, :  
Plaintiffs, : Civil Action  
: No. 07-10066 RCL  
vs. :  
:  
JANI-KING INTERNATIONAL, :  
INC., JANI-KING, INC. And :  
JANI-KING OF BOSTON, INC., :  
Defendants. :  
:  
- - - - -x

CONFIDENTIAL DEPOSITION OF VINCENT De  
GIOVANNI, a witness called on behalf of the  
Defendants, taken pursuant to the Federal Rules of  
Civil Procedure, before Jane M. Williamson,  
Registered Merit Reporter and Notary Public in and  
for the Commonwealth of Massachusetts, at the  
Offices of Nixon Peabody LLP, 100 Summer Street,  
Boston, Massachusetts, on Wednesday, March 4, 2009,  
commencing at 10:01 a.m.

PRESENT:

Pyle, Rome, Lichten, Ehrenberg &  
Liss-Riordan, P.C.  
(By Alex Sugerman-Brozan, Esq.)  
18 Tremont Street, Suite 500, Boston,  
MA 02108, for the Plaintiffs.

Nixon Peabody LLP  
(By Arthur L. Pressman, Esq.,  
and Gregg A. Rubenstein, Esq.)  
100 Summer Street, Boston, MA 02110,  
for the Defendants.

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 2

PRESENT: (Continued)

Jani-King International, Inc.

(By Donald A. Burleson, General Counsel)

16885 Dallas Parkway, Addison, TX 75001.

\* \* \* \* \*

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 8

1 States?

2 A. Yes, I did.

3 Q. And where did you go to school?

4 A. Bunker Hill Community College, Charlestown.

5 Q. Bunker Hill Community College?

6 A. Yeah.

7 Q. And when did you go to Bunker Hill?

8 A. Approximately 1976.

9 Q. And for how long did you go?

10 A. I graduated.

11 Q. And was that a four-year program?

12 A. Two-year.

13 Q. So you have an associate's degree?

14 A. Yeah.

15 Q. And you got that in 1978?

16 A. I'm not sure. Like I say, I went in 1976.

17 Q. Okay, fine, very good. And what did you  
18 study?

19 A. Social science.

20 Q. After you graduated from Bunker Hill, what  
21 did you do?

22 A. I was a correction officer at MCI-concord.

23 Q. And for how long were you a correction  
24 officer?

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 9

1 A. 21 years.

2 Q. And what facility did you work at?

3 A. MCI-Concord.

4 Q. Concord, okay, fine.

5 And when you joined MCI-Concord -- did you  
6 retire at the end of 21 years?

7 A. Yes, I did.

8 Q. And what year did you retire?

9 A. '99.

10 Q. And what was your rank when you retired?

11 A. Correction officer.

12 Q. And what was your rank when you began?

13 A. Correction officer.

14 Q. Now, was that a full-time position?

15 A. Yes, it was.

16 Q. Were you unionized?

17 A. Yeah.

18 Q. And what union were you a member of?

19 A. I don't remember. It's been ten years.

20 Q. Were you an officer in the union?

21 A. I was an officer, yes.

22 Q. And what was the office that you held?

23 A. A correction officer.

24 Q. No, in the union --

1 animal grooming, dog grooming. Don't ask where.

2 Q. Okay.

3 A. And the other one is in the financial  
4 advice.

5 Q. Financial advice. And where does she  
6 practice her financial advice?

7 A. Some place in Waltham. I have no idea.

8 Q. Is she a financial advisor?

9 A. Excuse me?

10 Q. Is she a financial advisor?

11 A. Yeah, that's what -- yeah.

12 Q. She gives people advice about money?

13 A. Yeah. She's an investment advisor, yeah.

14 Q. Okay, very good.

15 So she's a college graduate?

16 A. Yeah.

17 Q. And where did she go to college?

18 A. Revere College.

19 Q. Revere College, okay, sure.

20 During the 21 years that you were a  
21 corrections officer, did you have any side  
22 businesses?

23 A. Yes, I did.

24 Q. And what are the side businesses that you

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 12

1 had?

2 A. It was carpentry.

3 Q. Carpentry?

4 A. Yeah.

5 Q. And for how many of those 21 years did you  
6 have a carpentry side business?

7 A. Until -- up until now. I still have it.

8 Q. You still have it.

9 A. Yeah.

10 Q. And what sort of work have you done in that  
11 side business?

12 A. Remodel, additions, repairs.

13 Q. So remodel, home additions and repairs?

14 A. Repairs.

15 Q. And do you advertise at all?

16 A. Yes, I do.

17 Q. And have you advertised during the whole of  
18 the 21 years?

19 A. Not all of them, but --

20 Q. Not all of them, but generally you've  
21 advertised?

22 A. The last ten years probably most of it.

23 Q. Okay, fine. And where do you advertise?

24 A. In the local newspaper.

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 21

1 the lawyer?

2 A. Yeah, the lawyer.

3 Q. What did you do to dissolve the company?

4 A. I wrote them a letter that I wasn't making  
5 enough money and they didn't give me enough  
6 contracts and I couldn't afford to pay the help.  
7 And I gave my notice and I cancelled the franchise.

8 MR. SUGERMAN-BROZAN: Can we clarify  
9 whether we're talking about a formal legal  
10 dissolution of the LLC?

11 MR. PRESSMAN: We'll get there.

12 MR. SUGERMAN-BROZAN: Okay.

13 Q. When you say you wrote them a letter, who  
14 is the "they" or the "them" in that sentence?

15 A. I don't know his last name. Tony; he acts  
16 like a manager there at the time. I gave him a  
17 letter that I was no longer...

18 Q. Did you keep a copy of that letter?

19 A. Yeah.

20 Q. And have you given that letter to your  
21 lawyer?

22 A. I believe he has it, yeah.

23 Q. We'll see if we come across that letter,  
24 but I don't see that I have such a letter.



Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 24

1 Q. Was it the plan at the beginning of your  
2 Jani-King business that Alice was going to supervise  
3 the workers?

4 A. Yes.

5 Q. Was it the plan at the beginning of your  
6 Jani-King business that you weren't going to do the  
7 work, but Alice and the workers would?

8 A. That was my plan.

9 Q. That was your plan.

10 A. That's correct.

11 Q. Fine. Now, what was the pay arrangement  
12 between you and Alice?

13 A. I was paying her more than the other girls.

14 Q. You were going to pay?

15 A. I paid. I was not going to pay. I did pay  
16 her more than the other girls.

17 Q. And how much did you pay Alice?

18 A. I don't remember.

19 Q. How much did you pay the other girls?

20 A. She was paying them.

21 Q. So it was Alice's job to pay the other  
22 girls.

23 A. Right.

24 Q. And I know we're calling them "girls" in

1 Q. Okay, fine.

2 Did you pay Alice by check or by cash?

3 A. By check.

4 MR. SUGERMAN-BROZAN: Can you clarify the  
5 time period?

6 Q. Let's back up. When Alice worked as the  
7 manager of your Jani-King business, did you pay  
8 Alice by check or by cash?

9 A. Check.

10 Q. And what bank account were those checks  
11 written on?

12 A. It was Century Bank.

13 Q. And when you wrote Alice a check, did you  
14 include in the check that you wrote Alice whatever  
15 she was going to pay the girls?

16 A. No. She would give me the hours, and I  
17 would sign the checks.

18 Q. So you also wrote checks to the girls?

19 A. Correct.

20 Q. And when you wrote the checks to the girls,  
21 did you put their names on them?

22 A. Yeah.

23 Q. How often did you pay them?

24 A. Once a week.

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 32

1 or did you hire Alice?

2 A. I hired Alice.

3 Q. Did anybody at Jani-King write a check to  
4 Alice or did you write a check to Alice?

5 A. I wrote a check to Alice.

6 Q. Did anybody at Jani-King write checks to  
7 the girls or did you write check to the girls?

8 A. I did.

9 Q. Now, I think you told me this, but do you  
10 recall how much you paid the girls?

11 A. I don't recall. Like I say, it's been a  
12 long time.

13 Q. And did you also pay the girls by the hour?

14 A. Yes, I did.

15 Q. Did you pay the girls any benefits?

16 A. No.

17 Q. Did you pay Alice any benefits?

18 A. No.

19 Q. While you owned your Jani-King business,  
20 you continued in your carpentry business?

21 A. Yeah.

22 Q. Do you know if Alice had any work  
23 besides -- in addition to the work she did for you  
24 in your Jani-King business?

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 34

1 Q. Did she give you any written statement --

2 A. No.

3 Q. -- of how many hours the girls worked each  
4 week?

5 A. No.

6 Q. So she would call you up and say, So and so  
7 worked so many hours this week; so and so worked so  
8 many hours this week?

9 A. Correct.

10 Q. Now, how long has Century Bank been your  
11 bank?

12 A. Since I bought the franchise.

13 Q. Was Century Bank your bank before 2005?

14 A. No.

15 Q. How did you -- what was your bank before  
16 2005, if you had one?

17 A. I have a personal account, if that's what  
18 you mean. It was in Westford.

19 Q. At what bank?

20 A. Lowell Five.

21 Q. Lowell Five?

22 A. Yeah.

23 Q. And before 2005, did you have a business  
24 bank account for your carpentry business?

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 35

1 A. No.

2 Q. Did you pretty much run your carpentry  
3 business through your personal account?

4 A. Yeah.

5 Q. Okay. When you bought your Jani-King  
6 business, did you open a business bank account?

7 A. Correct.

8 Q. And where did you open a business bank  
9 account?

10 A. Century Bank.

11 Q. And why did you choose Century Bank?

12 A. Why?

13 Q. Yeah.

14 A. Because it was in Boston.

15 Q. Okay, fine.

16 What was the name of the bank account that  
17 you had at Century Bank?

18 A. C.D.D. Enterprise.

19 Q. And was that the first time that you had a  
20 bank account by the name of "C.D.D. Enterprise"?

21 A. Correct.

22 Q. When did you form C.D.D. Enterprise?

23 A. When I bought the Jani-King franchise.

24 Q. And why did you form C.D.D. Enterprise?

1           A.     Because it was a different business, and I  
2     wanted to keep it separate.

3           Q.     Okay. And did you, yourself, do whatever  
4     work was required to set up -- strike that.

5                     Is C.D.D. Enterprise a limited liability  
6     company?

7           A.     Correct.

8           Q.     And how did you decide to set up C.D.D.  
9     Enterprise as a limited liability company?

10          A.     I spoke with the people that I know, and  
11     they told me that was the best way to do it.

12          Q.     What did you ask the people that you knew?  
13     What was the question you asked them?

14          A.     I asked them that I bought a franchise and  
15     I wanted to keep it separate from my personal and  
16     other things that I do. What would be the best way  
17     to do it. And they told me that an LLC would be  
18     perfect.

19          Q.     And who were the people that you asked?

20          A.     Anybody and everybody. Like I say, I've  
21     been in business for 30 years. I know a lot of  
22     people. I know people that are in business. That's  
23     what they told me to do.

24          Q.     Why did you want to keep it separate?

1           A.     Because I don't want to put it with my  
2     personal things. It has nothing to do with  
3     carpentry. It has nothing to do with my personal  
4     accounts. It's a separate business.

5           Q.     Now, once you got the advice to set up a  
6     limited liability company, did you on your own  
7     figure out how to set up a limited liability  
8     company?

9           A.     No. A friend of mine helped me out.

10          Q.     And who was your friend?

11          A.     I know his first name. I don't know his  
12     last name.

13          Q.     What's his first name?

14          A.     Pasquale.

15          Q.     And is Pasquale a lawyer?

16          A.     No. He's another businessman.

17          Q.     So you and Pasquale figured out how to set  
18     up a limited liability company?

19          A.     Yeah.

20          Q.     Which came first, C.D.D. Enterprise, LLC or  
21     C.D.D. Cleaning Service, LLC?

22          A.     I don't remember who came first. It was  
23     done in a way that Jani-King said had to be changed,  
24     for some reason; something to do with the cleaning

1 (Document marked as  
2 Exhibit 63 for identification)

3 Q. Mr. De Giovanni, is Exhibit 63 a copy of  
4 the filing that you made to establish C.D.D.  
5 Cleaning Service on March 9, 2005?

6 A. Correct.

7 MR. PRESSMAN: And mark that as 64, please.

8 (Document marked as  
9 Exhibit 64 for identification)

10 Q. Is Exhibit 64 a copy of the filing that you  
11 made on April 11, 2005, to change the name of C.D.D.  
12 Enterprise?

13 A. Correct.

14 Q. And actually, your signature was made on  
15 that Certificate of Amendment on March 28, 2005?

16 A. Yeah.

17 Q. Now, did you get a business loan for your  
18 Jani-King business from Century Bank?

19 A. Would you clarify?

20 Q. I'm sorry?

21 A. Would you clarify?

22 Q. Would I clarify, sure.

23 At some point did you take out a business  
24 loan from Century Bank?



Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 40

1 A. Correct.

2 Q. And when did you do that?

3 A. There's a date over there.

4 Q. Let me show you -- why don't we mark what's  
5 been produced as JANI 1052 through 1071.

6 (Document marked as  
7 Exhibit 65 for identification)

8 Q. You can just leaf through those, if you  
9 like.

10 A. (Witness reviews document)

11 Q. Do these documents which we've marked as  
12 Exhibit 65 include the documents regarding the loan  
13 that you took from Century Bank?

14 A. Yeah.

15 Q. And did you have a loan officer that you  
16 dealt with?

17 A. Yes, I did.

18 Q. And who was that person?

19 A. I don't remember.

20 Q. Man or a woman?

21 A. A woman.

22 Q. Ruth LeBlanc?

23 A. Excuse me?

24 Q. Was her name Ruth?

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 42

1 A. After I was done with Jani-King.

2 Q. When you closed the business?

3 A. Correct.

4 Q. Now, how did you hear about Jani-King in  
5 the first instance?

6 A. Like probably everybody else. In the  
7 newspaper.

8 Q. I'm sorry, I just didn't hear what you  
9 said.

10 A. In the newspaper.

11 Q. And what newspaper?

12 A. The Herald.

13 Q. The Herald?

14 A. Yeah.

15 Q. And where in the Herald did you read of  
16 Jani-King?

17 A. Where?

18 Q. Yeah.

19 A. Inside the paper.

20 Q. Was it in a classified column?

21 A. I read the paper every day. I don't know.  
22 It's in the paper.

23 Q. Did you cut out whatever you read about  
24 Jani-King?

1 Q. Did you know that Jani-King was a  
2 franchise?

3 A. Well, it says it in the paper.

4 Q. Did you know anybody who owned a franchise?

5 A. No.

6 Q. When you saw the ad, what did you do?

7 A. I called them.

8 Q. Okay. And do you know whom you spoke with?

9 A. Who I spoke with, I don't remember. They  
10 told me that I had to make an appointment.

11 Q. And did you make an appointment?

12 A. I did.

13 Q. Now, at the time that you were thinking of  
14 buying a Jani-King business, did you look at any  
15 other business opportunities?

16 A. Not as a cleaning business.

17 Q. I'm sorry?

18 A. No.

19 Q. Before you bought the Jani-King business,  
20 did you look at any other cleaning businesses to  
21 buy?

22 A. I spoke on the phone with a couple, but I  
23 didn't make no appointment or nothing.

24 Q. So was one of the other cleaning businesses

1 that you spoke on the phone with called "Coverall"?

2 A. I don't remember which one it was. There  
3 were three or four different ones in the paper. I  
4 don't remember which one I spoke with.

5 Q. Were they in the paper in the same place  
6 that you saw the Jani-King ad?

7 A. Yes.

8 Q. So did you see these three or four ads more  
9 or less at the same time?

10 A. Yeah.

11 Q. And when you saw these three or four ads at  
12 the same time, what did you do?

13 A. I called them on the phone, but they could  
14 not accommodate me on my time, so I didn't make any  
15 appointment.

16 Q. So you called everybody.

17 A. A couple.

18 Q. Okay.

19 And when you say they couldn't accommodate  
20 you on your time, what do you mean by that?

21 A. The time was off. I didn't have the time  
22 when they could see me and talk to me.

23 Q. So you called at least a few other of the  
24 companies that ran ads that you saw in the Boston

1     \$30 and \$40,000.

2           Q.     How did you decide -- let me back up.

3                   Before you got to the meeting --

4           A.     I didn't decide.

5           Q.     Let me finish my question, please.

6                   Before you got to the meeting, had you in  
7     your mind thought that you wanted to spend somewhere  
8     between \$30 and \$40,000?

9           A.     That's what I had in my mind to spend, yes.

10          Q.     Okay, fine.

11                   And how did you arrive at those numbers?

12          A.     I didn't arrive anywhere. That's what I  
13     thought. But before I come up with a definite  
14     amount, I wanted information from her.

15          Q.     Okay, fine.

16                   So you asked her -- did you have any idea  
17     before you got to that meeting of whether Alice was  
18     going to be available to run this business for you?

19          A.     Yes.

20          Q.     Where did that idea come from? How did you  
21     learn that?

22          A.     I learned it -- like I stated earlier, I  
23     use her occasionally to do some jobs for me. And I  
24     see that she was responsible, she was a good worker,

1 wrote.

2 A. "1,200,000."

3 Q. \$1,200,000 in total assets?

4 A. Yeah, uh-huh.

5 Q. And what did those assets consist of?

6 A. I don't think it should pertain to  
7 Jani-King, what the assets are.

8 Q. Let me see if I can ask the question  
9 another way.

10 A. Okay.

11 Q. In February 2005, when you completed this  
12 application, did you own some investment property?

13 A. Yes, I did.

14 Q. And was that investment property  
15 apartments?

16 A. Yes, it is.

17 Q. And roughly, how many apartments did you  
18 own as investment property in February '05?

19 A. Six apartments.

20 Q. And did tenants pay you rent each month?

21 A. Correct.

22 Q. Did tenants have leases?

23 A. No.

24 Q. How long had you owned this investment

1 Q. Well, did you buy your franchise at another  
2 meeting?

3 A. I don't remember.

4 Q. Okay. At any time before you bought your  
5 franchise, did you receive any material to take home  
6 and read?

7 A. I don't remember.

8 Q. Did you receive a black binder with  
9 material in it?

10 A. I don't remember for that time. I have  
11 plenty of black binders given to me from them.

12 Q. Okay. And where are they?

13 A. In my basement.

14 Q. And in your basement do you have files or  
15 other material related to your Jani-King business?

16 A. No.

17 Q. What do you have in your basement related  
18 to your Jani-King business?

19 A. That's the only books that I have.

20 MR. PRESSMAN: Alex, I'd like to have  
21 copies of whatever the binders are.

22 MR. SUGERMAN-BROZAN: We'll need to get  
23 those binders and copy them.

24 Q. Did you ever read the binders?

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 72

1 A. No.

2 Q. Do you have any idea what the subjects of  
3 the binders are?

4 A. No.

5 Q. Let me ask you a question. Do you read  
6 English?

7 A. Yes, I do.

8 Q. Okay, fine.

9 Now, with respect to Exhibit 67 that's in  
10 front of you -- let's just stick with the first page  
11 for a second.

12 Did you read that page before you signed  
13 it?

14 A. I read this one, yeah.

15 Q. And did you read it on February 8, 2005,  
16 before you signed it?

17 A. I read it before I signed, yes.

18 (Document marked as  
19 Exhibit 68 for identification)

20 Q. Okay, very good. Vinny, I'd like you to  
21 take a few minutes and look at Exhibit 67. You can  
22 turn each page.

23 A. It's 68.

24 Q. I'm sorry, 68.



Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 74

1 A. In Jani-King's office.

2 Q. And who was with you, if anybody, when you  
3 signed it?

4 A. The same woman, I believe.

5 Q. Okay. And do you know somebody named Mike  
6 Salmon?

7 A. Yeah.

8 Q. Was Mr. Salmon with you when you signed it?

9 A. I don't remember.

10 Q. When did you first meet Mike Salmon?

11 A. I believe when I started to go for  
12 training.

13 Q. So as best you remember, you hadn't met him  
14 before that?

15 A. Yes.

16 Q. Did you read the franchise agreement before  
17 you signed it?

18 A. No.

19 Q. Were you able to read the franchise  
20 agreement?

21 A. I tried. It's very confusing. But I did  
22 ask a lot of questions.

23 Q. And when did you ask questions?

24 A. After I signed.

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 94

1 MR. SUGERMAN-BROZAN: Okay.

2 BY MR. PRESSMAN:

3 Q. So Vinny, let's just go back to Governor's  
4 Park.

5 Who called you and offered the Governor's  
6 Park job?

7 A. The first name is Tony.

8 Q. Tony, okay. And what did Tony say to you  
9 when he offered you the Governor's Park job?

10 A. He met me at the job. Normally they're  
11 supposed to bring the contract with them.

12 Q. I'm sorry?

13 A. He met me at the job. And he didn't have  
14 no contract with him.

15 Q. He said, "Meet me at the job"?

16 A. Right. But he should have had a contract  
17 with him.

18 Q. Well, my question to you is, What did he  
19 say to you besides "Meet me at the job"?

20 A. "I want you to look at a job."

21 Q. Okay, fine.

22 And did he tell you that it was a day job?

23 A. Yes.

24 Q. And why is it that you wanted night jobs?

1           A.     Because he told me, he said, "Listen, I  
2     don't have anything on nights yet. If your people  
3     want to start working days, it won't be for a while.  
4     That gets you started."

5           Q.     So did you understand that Tony was looking  
6     for night work for you?

7           A.     That's what he said.

8           Q.     And he offered you the chance to get  
9     started on day work?

10          A.     Yeah.

11          Q.     If you wanted it?

12          A.     If I wanted it.

13          Q.     Okay, fine.

14                 And so did you meet Tony at Governor's  
15     Park?

16          A.     Correct.

17          Q.     And you told me that Governor's Park was in  
18     Winthrop?

19          A.     Correct.

20          Q.     Did anybody else meet with you and Tony?

21          A.     I believe it was a manager for Governor's  
22     Park.

23          Q.     But Alice didn't come with you?

24          A.     No.

1 Q. And none of Alice's workers came?

2 A. None of them.

3 Q. Okay. How long did you and Tony meet at  
4 Governor's Park?

5 A. I don't remember. Maybe an hour, hour and  
6 a half, half an hour. I have no idea.

7 Q. Okay. And what did you do during that  
8 first visit to Governor's Park?

9 A. He was showing me the work site, what we're  
10 supposed to do and what we're not supposed to do.

11 Q. So he was showing you what you were  
12 supposed to do, what the job consisted of?

13 A. That's correct.

14 Q. And did he also show you what the job did  
15 not consist of?

16 A. Correct.

17 Q. So tell me what he showed you, insofar as  
18 what the job consisted of.

19 A. Okay. He took me for a walk through all  
20 the buildings.

21 Q. How many buildings were there at Governor's  
22 Park?

23 A. There were ten buildings. If I remember  
24 correct, it's four to five floors each.

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 120

1 A. No. Particularly, he was referring to  
2 somebody who worked for Jani-King.

3 Q. Did Tony ever come out to the job at  
4 Governor's Park?

5 A. The first day when he took me for a walk.

6 Q. But other than that walk-through day, Tony  
7 never came to the Governor's Park job?

8 A. I don't recall. I don't remember.

9 Q. When you were there, he never came?

10 A. When I was there, he never came.

11 Q. When you were at the Governor's Park job,  
12 did anybody else from Jani-King come to the  
13 Governor's Park job?

14 A. Not that I recall.

15 Q. You told me that there were ten buildings,  
16 approximately, to clean at Governor's Park?

17 A. Correct.

18 Q. And that there was also this clubhouse and  
19 swimming pool?

20 A. Yeah.

21 Q. Could you clean the buildings in any order  
22 that you wanted?

23 A. Yes, you can clean them in any order you  
24 want.

1 them \$10,000.

2 Q. Okay, fine.

3 Now, did there come a time when you got a  
4 second account?

5 A. I don't remember.

6 Q. Did you ever get a second account?

7 A. Yes, I did.

8 Q. And what was that account?

9 A. I don't remember.

10 Q. Okay. Did there come a time when you got  
11 an account called "Margarita's"?

12 A. Yes.

13 Q. And was Margarita's the second account that  
14 you got?

15 A. I would assume. I don't remember.

16 Q. Let me show you what we'll mark as the next  
17 exhibit.

18 (Document marked as  
19 Exhibit 74 for identification)

20 Q. Would you look at Exhibit 74 for a second,  
21 Vinny.

22 A. Yeah.

23 Q. Now, do you see that Exhibit 74 has got a  
24 date on the top "10/14/05"?

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 127

1 A. Correct.

2 Q. Now, does that refresh your recollection as  
3 to when you got the Margarita's account?

4 A. Yeah.

5 Q. And was it in the middle of October 2005?

6 A. Yeah.

7 Q. Who told you about the Margarita's account?

8 A. I don't remember who told me. Somebody  
9 called me and said that.

10 Q. Now, did you understand that you could go  
11 out and solicit accounts yourself?

12 A. Yes, I did.

13 Q. And did you go out and solicit accounts  
14 yourself?

15 A. No.

16 Q. Why not?

17 A. I didn't have the time.

18 Q. Did you ask Alice to go out and solicit  
19 accounts for you?

20 A. No.

21 Q. Why not?

22 A. Because not.

23 Q. Okay, fine.

24 But you did understand that you could help

1 grow your business by signing up accounts yourself?

2 A. Correct.

3 Q. Okay. When you got a call from someone at  
4 Jani-King about Margarita's, what did you do?

5 A. I told them that I would speak with Alice.

6 Q. And why did you need to speak with Alice?

7 A. Because she didn't want to do any other day  
8 jobs.

9 Q. So Alice didn't want to do another day job?

10 A. Correct.

11 Q. And did you have any understanding as to  
12 whether the Margarita's job was a day job or a night  
13 job?

14 A. It was a day job.

15 Q. Okay. And what did Alice say to you?

16 A. She didn't want to do it.

17 Q. She didn't want to do it?

18 A. No.

19 Q. Okay. Did you accept the Margarita's job?

20 A. Not before I spoke with her.

21 Q. I'm sorry?

22 A. Yes, I did.

23 Q. You did. And did you accept it after you  
24 spoke to Alice or before you spoke to Alice?



1 A. I accepted it after I spoke with Alice.

2 Q. So even though Alice didn't want another  
3 day job, you took the job?

4 A. Right.

5 Q. What did you understand the job was to  
6 consist of?

7 A. Sweep and mop all floors, vacuum the  
8 carpets, clean all tables and everything dust-free,  
9 and windows inside.

10 Q. And how many days a week was the job?

11 A. I think it was seven days.

12 Q. And what kind of business was Margarita's?

13 A. It's a barroom and a restaurant.

14 Q. And when was it going to be available --  
15 strike that.

16 Was the cleaning supposed to take place  
17 while there were customers there?

18 A. They allowed us to go in, I think it was  
19 9:00, 10:00 in the morning. And you stayed there  
20 until you finished the job.

21 Q. Now, actually, just going back to  
22 Governor's Park for a second, you told me what time  
23 you picked up Alice and brought her to the job.

24 A. Uh-hum.

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 131

1 A. Yeah.

2 Q. And Alice got home by herself?

3 A. Yes.

4 Q. And did Alice do the cleaning by herself?

5 A. Yes.

6 Q. And even though you told Alice not to clean  
7 the pool and the clubhouse, Alice still cleaned the  
8 pool and the clubhouse?

9 A. Yes.

10 Q. Now, when you heard about the Margarita's  
11 job for the first time, did you go to Margarita's?

12 A. Yes, I did.

13 Q. And did you go with anyone?

14 A. Yes.

15 Q. Who did you go with?

16 A. It was a guy that used to be a salesman for  
17 Jani-King. I don't remember.

18 Q. You don't remember his name?

19 A. No.

20 Q. Do you have any recollection of what he  
21 looks like?

22 A. It's been a long time. I don't remember.

23 Q. Okay, fine.

24 And where is Margarita's located?

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 132

1 A. I believe it's on Route 1A in Revere.

2 Q. And was that convenient to where -- or  
3 relatively close to where --

4 A. She lives in East Boston.

5 Q. So was the Margarita's location in your  
6 mind a convenient location for Alice?

7 A. Correct.

8 Q. What did you do on your first visit to  
9 Margarita's?

10 A. I didn't do anything.

11 Q. Did you walk through Margarita's?

12 A. That's what I did.

13 Q. Did you see what the job consisted of?

14 A. Yes.

15 Q. Did you meet with anybody from Margarita's?

16 A. I met with the manager.

17 Q. Do you recall the manager's name?

18 A. I don't remember.

19 Q. And after you walked -- how long were you  
20 there for that first visit?

21 A. Maybe a half an hour.

22 Q. Did you have enough time during that first  
23 visit to walk through?

24 A. Yeah.

1       straightened out.

2           A.     Right.

3           Q.     During that month, did Alice do the extra  
4       work?

5           A.     No.

6           Q.     Did you have -- did you or Alice have keys  
7       to Margarita's?

8           A.     No.

9           Q.     Was Margarita's open when Alice got there  
10      in the morning, as far as you know?

11          A.     At 10:00.

12          Q.     And so is that what time Alice got there?

13          A.     Yeah.

14          Q.     Other than the issue about the extra work,  
15      do you know if there were any complaints about the  
16      work that Alice did at Margarita's?

17          A.     No.

18          Q.     No, there were no complaints?

19          A.     No complaints.

20          Q.     And I think you answered this for me, but  
21      let me ask it again, just to be sure.

22                 Did anybody from Jani-King ever come to the  
23      job at Margarita's while you or Alice were working?

24          A.     I have no knowledge of that.

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 141

1 A. Yeah.

2 Q. You do or you don't?

3 A. I do.

4 Q. Well, let's go through it.

5 Do you have any reason to dispute that you  
6 were offered Governor's Park on or about May 2,  
7 2005?

8 A. No.

9 Q. Do you have any reason to dispute that you  
10 were offered Margarita's on or about October 17,  
11 2005?

12 A. No.

13 Q. Do you have any reason to dispute that you  
14 were offered two Friendly's restaurants on or about  
15 October 23, 2005?

16 A. No.

17 Q. Do you have any reason to dispute that you  
18 were offered the Crispus Attucks account on or about  
19 November 28, 2005?

20 A. No.

21 Q. Do you have any reason to dispute that you  
22 were offered the two First Student accounts on or  
23 about March 21, 2006?

24 A. Yes, I have. Yes.

1 Q. So other than those two accounts, the other  
2 accounts were offered to you on the date that's set  
3 forth in this letter?

4 A. Correct.

5 Q. Okay, fine.

6 And is it also true that you accepted each  
7 of those first five accounts?

8 A. Yes.

9 Q. So with respect to the Friendly's accounts,  
10 would you tell me where the Friendly's restaurants  
11 were.

12 A. There was one in Revere, and the other one  
13 was in Swampscott.

14 Q. Now, was Alice going to clean those  
15 accounts?

16 A. Yes.

17 Q. And who at Jani-King told you that those  
18 accounts were going to be offered to you?

19 A. I don't remember.

20 Q. When somebody told you, did you go to those  
21 accounts to look at them?

22 A. Yes.

23 Q. Did you go to both restaurants?

24 A. Yes, I did.

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 143

1 Q. Did Alice come with you?

2 A. I don't know. I don't remember.

3 Q. Did somebody from Jani-King come with you?

4 A. I think so.

5 Q. Do you remember whether or not?

6 A. I don't remember.

7 Q. You don't remember, okay, fine.

8 Did you look at both accounts on the same  
9 day?

10 A. Yeah.

11 Q. How did you learn what was involved in the  
12 cleaning job at each account?

13 A. I didn't know.

14 Q. I'm sorry?

15 A. I didn't learn anything.

16 Q. Okay. What did you do when you visited the  
17 accounts?

18 A. I looked at them, and then we started doing  
19 them.

20 Q. Did you have a copy of the contract for  
21 each account?

22 A. I must have had, knowing me.

23 Q. And you must have had, because the contract  
24 described what was included within the cleaning job?

1 days a week?

2 A. Correct.

3 Q. And did you or Alice have keys to the  
4 restaurants?

5 A. Correct.

6 Q. And when could you go in or when could  
7 Alice go in to clean?

8 A. After eleven.

9 Q. After eleven at night?

10 A. Yeah.

11 Q. And could she go in any time after eleven  
12 that she wanted?

13 A. I believe so.

14 Q. Did Alice bring her own mops and buckets  
15 and other tools to clean --

16 A. Yes.

17 Q. -- at Friendly's?

18 A. Yes.

19 Q. Did anyone from Jani-King come to the  
20 Friendly's jobs while Alice was working?

21 A. Not to my knowledge.

22 Q. Did you ever work at the Friendly's jobs?

23 A. Yes, I did.

24 Q. And how many times did you work at the



1 A. Somebody from Jani-King called me and said  
2 they had an account and if I was interested to look  
3 at it.

4 Q. And you said you were?

5 A. Yes.

6 Q. Do you recall who that person was?

7 A. I don't remember.

8 Q. Now, at that time -- and was it about  
9 November 28, 2005, as Exhibit 75 indicates?

10 A. Yeah.

11 Q. And so at that time Alice and her crew were  
12 already cleaning Margarita's and the two Friendly's  
13 restaurants?

14 A. Correct.

15 Q. What did you understand the Crispus Attucks  
16 job consisted of?

17 A. Clean the floors, windows, doors. The same  
18 routine as the others.

19 Q. And did you go out and see that job?

20 A. Yes, I did.

21 Q. Did you go with anyone when you first saw  
22 the job?

23 A. Yes, I did.

24 Q. Whom did you go with?

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 159

1 A. It was Alice and three more other girls.

2 Q. And were the three other girls different  
3 girls from the girls --

4 A. No, they were the same girls, plus one  
5 more.

6 Q. So the same girls who were already working  
7 at the other jobs, plus you had another one.

8 A. Correct.

9 Q. And do you know who the third girl was?

10 A. I don't.

11 Q. And Alice hired her?

12 A. Yes.

13 Q. On your first visit to Crispus Attucks --  
14 and tell me, what is Crispus Attucks?

15 A. It's a school like a kindergarten.

16 Q. And on your first visit to Crispus Attucks,  
17 how long did you stay?

18 A. I spent quite a while there.

19 Q. Quite a while.

20 A. Yeah.

21 Q. And did you have enough time to see  
22 whatever you wanted to see?

23 A. Yes.

24 Q. And was the woman from Jani-King with you

1 Q. Do you have any idea why it was 5:30 on the  
2 nose?

3 A. I have no idea.

4 Q. When you got there at 5:30 during that  
5 first week, was the manager there?

6 A. Where?

7 Q. At Crispus Attucks.

8 A. Yes.

9 Q. And who was the manager?

10 A. I don't know. A black guy.

11 Q. During that first week, did you stay for  
12 the whole time with Alice and the girls?

13 A. Correct.

14 Q. During that first week -- and I'm sorry, I  
15 think you may have told me this. How many hours did  
16 it take during that first week?

17 A. We got there at 5:30, and we didn't leave  
18 until 9:00, 9:30.

19 Q. Okay. Was there anybody else there during  
20 that entire period of time besides you and the  
21 girls?

22 A. No.

23 Q. Did the manager leave at some point after  
24 5:30?

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 163

1 A. At some point, yes.

2 Q. And when he left, it was just you and the  
3 girls?

4 A. Correct.

5 Q. And for how long a period of time -- for  
6 how many weeks or months did your company clean  
7 Crispus Attucks?

8 A. I don't know exactly. A few months.

9 Q. Okay. And during the second week, did  
10 Alice and the girls get there by themselves?

11 A. Correct.

12 Q. And did Alice and the girls have a key to  
13 Crispus Attucks?

14 A. Yes.

15 Q. And if they had a key, could they go in at  
16 some point after 5:30?

17 A. No.

18 Q. Did Alice and the girls bring their own  
19 buckets and mops and brooms and cleaning implements  
20 to Crispus Attucks?

21 A. Correct.

22 Q. And you knew what was covered in the  
23 contract. Could Alice and the girls clean whatever  
24 was covered in whatever order or sequence they

1 wanted?

2 A. Yeah. They could clean in any order.

3 Q. Did the Crispus Attucks job come to an end  
4 at some point?

5 A. Yes, it did.

6 Q. And why did it come to an end?

7 A. Too much time and not being compensated.

8 Q. And Alice and the girls were spending too  
9 much time?

10 A. Including me, yes.

11 Q. Well, I know that you went there during the  
12 first week to show them what to do.

13 A. Right.

14 Q. Did you go there after the first week?

15 A. Occasionally.

16 Q. Occasionally.

17 A. Yeah.

18 Q. As a practical matter, it was Alice and the  
19 girls who were doing the cleaning at Crispus  
20 Attucks?

21 A. Correct.

22 Q. And Alice would tell you each week how many  
23 hours she spent?

24 A. She would tell me, yes.

1 Q. And they were no longer cleaning Crispus  
2 Attucks by March '06.

3 A. No.

4 Q. So what was the problem for you with the  
5 First Student accounts?

6 A. The problem was the split shift.

7 Q. Okay.

8 A. And the other problem was the time of  
9 mobility. They call you in the morning, and they  
10 want you to start in the afternoon.

11 Q. Were you offered both of these First  
12 Student accounts on the same day?

13 A. Yeah.

14 Q. And when was the work to begin --

15 A. On the same day in the afternoon.

16 Q. On that day.

17 A. On that day.

18 Q. And you were unable to do it on that day?

19 A. No, I was not unable to do it.

20 Q. You were not unable to do it.

21 A. I was not.

22 Q. Why didn't you accept the job?

23 A. I did not accept the job.

24 Q. I understand you didn't accept the job.

1 I'm asking why not.

2 A. Because I didn't have the help, and they  
3 didn't give you enough time. And it was a split  
4 shift. So there were three reasons why.

5 Q. So you didn't have enough time that day to  
6 go ask Alice if she was available.

7 A. She was not enough for both of them. I  
8 needed more people to work, and I didn't have the  
9 time.

10 Q. So you needed to ask Alice and more  
11 people --

12 A. That's correct.

13 Q. -- to clean that job.

14 A. That's correct.

15 Q. And what, if anything, did you tell --

16 MR. PRESSMAN: Can we take a two-minute  
17 break?

18 (Recess taken from 4:09 to 4:16)

19 BY MR. PRESSMAN:

20 Q. Did you tell the person -- who did you tell  
21 at Jani-King that you were going to decline the  
22 First Student accounts?

23 A. The black lady.

24 Q. And you told her in that same phone call?

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 185

1 A. Yeah.

2 Q. So as I understand it, you didn't go look  
3 at the accounts?

4 A. No, I did not.

5 Q. And after the First Student accounts were  
6 offered to you, you were offered yet another  
7 account?

8 A. I believe there was a clinic in East  
9 Boston.

10 Q. Was that at Logan Airport?

11 A. Logan Airport, right.

12 Q. And who offered you that account?

13 A. Same thing. I think somebody called me and  
14 said, "We have an opening down at the airport if  
15 you're interested."

16 Q. And that was sometime after March 21st of  
17 2006?

18 A. I don't remember the date.

19 Q. And when you got that call, what did you  
20 say?

21 A. I said, "I will go see it."

22 Q. And did you go see it?

23 A. Yes, I did.

24 Q. And did you go see it with anybody?



1           A.    I don't remember if it was somebody from  
2   Jani-King.

3                   MR. PRESSMAN:   Off the record.

4                   (Recess taken from 4:17 to 4:21)

5           BY MR. PRESSMAN:

6           Q.    So did you go to the Logan Airport with  
7   anybody from Jani-King?

8           A.    I don't remember.

9           Q.    Did you meet with anybody at the Logan  
10   Airport Medical Clinic?

11          A.    I remember I met with -- I thought it was  
12   the manager.

13          Q.    Did you have a copy of any contract?

14          A.    That I don't remember, either.

15          Q.    What did you do at the Logan Clinic on your  
16   first visit?

17          A.    I spoke with the woman. I thought it was  
18   the manager. She gave me the opportunity to look  
19   around.

20          Q.    And did you have as much time to look  
21   around as you needed?

22          A.    Yes.

23          Q.    And what did you decide after you looked  
24   around?

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 187

1 A. I accepted the contract.

2 Q. How often -- describe for me the cleaning  
3 job.

4 A. It was five days a week. You had to clean  
5 the bathroom, windows, floors, desks.

6 Q. And how many hours did you think it was  
7 going to take your crew to clean?

8 A. About three hours a night.

9 Q. One person or two people?

10 A. Most of the time, one person.  
11 Occasionally, two persons.

12 Q. And when it was two persons, it should only  
13 take together about an hour and a half?

14 A. An hour and a half, yeah.

15 Q. And who was going to be the one person  
16 cleaning the Logan Clinic?

17 A. Alice.

18 Q. Alice. And when she needed a second  
19 person, who was going to be that person?

20 A. It's either I would go help them or  
21 somebody --

22 Q. One of the other girls?

23 A. I didn't have no more girls. They were all  
24 gone, because I didn't have no more contracts.

Vincent De Giovanni, et al. vs.  
Jani-King International, Inc., et al.

Vincent De Giovanni, Vol. I  
March 4, 2009

Page 190

1 Q. And how many days a week did you do that?

2 A. Five days a week.

3 Q. And so did Alice have a key?

4 A. I don't remember.

5 Q. There were many days when Alice went there  
6 by herself?

7 A. Correct.

8 Q. And in fact, most of the days Alice went  
9 there by herself?

10 A. Most.

11 Q. And do you know how Alice got in?

12 A. Like I say, at 5:30, 6:00, people are still  
13 there, so...

14 Q. And to your knowledge, did anyone from  
15 Jani-King come while Alice was cleaning the Logan  
16 Clinic job?

17 A. Not to my knowledge.

18 Q. To your knowledge, did anyone from the  
19 Logan Clinic interfere with what Alice was doing as  
20 her cleaning job?

21 A. Not to my knowledge.

22 Q. How did that job end?

23 A. It ended that Alice needed more money,  
24 Jani-King wasn't giving me any contracts, and I had

1 accounts that they knew I could not accept."

2 A. That's right.

3 Q. But the only account that you were offered  
4 that you did not accept was the two First Student  
5 accounts; isn't that correct?

6 A. Correct.

7 Q. And the last sentence says, "Jani-King  
8 would also offer accounts that were located so far  
9 apart from each other, that it would be  
10 geographically impossible to service the accounts on  
11 time."

12 A. That was in the same thing.

13 Q. And which accounts are you referring to?

14 A. On the two First Student.

15 Q. So the First Student accounts --

16 A. They were way over on the other side of  
17 Boston, way over.

18 Q. Were they close to each other?

19 A. I don't remember.

20 Q. So you don't really know where the First  
21 Student accounts were?

22 A. No.

23 Q. Okay. Do I understand that your last  
24 sentence of Paragraph 8 only refers to the First

EXHIBIT

63  
3/4/09 [signature]

MA SCC Filing Number: 200504380620 Date: 03/09/2005 11:58 AM



**The Commonwealth of Massachusetts**  
**William Francis Galvin**

Minimum Fee: \$500.00

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 Telephone: (617) 727-9640

Federal Employer Identification Number: 000889981 (must be 9 digits)

1. The exact name of the limited liability company is: C.D.D. CLEANING SERVICE LLC

2. Location of its principal office is:

No. and Street: 13 LAUREL AVE  
 City or Town: WESTFORD State: MA Zip: 01886 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

CLEANING OFFICES, HOUSES, COMMERCIAL AND RESIDENTIAL BUILDINGS

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent is:

Name: VINCENT DE GIOVANNI  
 No. and Street: 13 LAUREL AVE  
 City or Town: WESTFORD State: MA Zip: 01886 Country: USA

6. The name and business address of each manager:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	VINCENT DE GIOVANNI	13 LAUREL AVE WESTFORD, MA 01886 USA

7. The name and business address of the person in addition to the manager, who is authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
SCC SIGNATORY	VINCENT DE GIOVANNI	13 LAUREL AVE WESTFORD, MA 01886 USA

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property: